

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:13-cv-00411-MOC

DAVID ANTONIO MONTERO-GARCIA,)
)
Petitioner,)
)
Vs.)
)
KATHRYN LEE MCMILLAN MONTERO,)
)
Respondent.)

ORDER

THIS MATTER is before the court after initial hearing on petitioner's Ex Parte Verified Petition for Warrant to Take Physical Custody of Children Pursuant to N.C.Gen.Stat. § 50A-311 and Alternative Motion for Temporary Restraining Order (#3). At such hearing, petitioner and respondent appeared as instructed and respondent requested a continuance of the hearing so that her counsel, Ms. Gorman, could have time to prepare. Respondent asked that the court modify the TRO to allow her to travel to York and Lancaster Counties in the District of South Carolina for purposes of shopping and other necessary activities due to the proximity of her residence to the South Carolina border. Respondent stipulated that she and the children would be at the home in this district each-and-every night, which petitioner found to be acceptable.

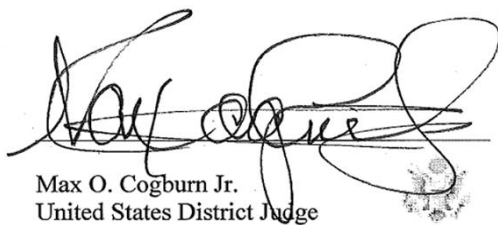
ORDER

IT IS, THEREFORE, ORDERED that the hearing on petitioner's Ex Parte Verified Petition for Warrant to Take Physical Custody of Children Pursuant to N.C.Gen.Stat. § 50A-311 (#3) is **CONTINUED** to August 7, 2013, at 2 p.m., in the United States Courthouse in Charlotte, North Carolina. The previously entered TRO is modified to allow respondent and the children to

travel outside the district during the day to the District of South Carolina, specifically, York and Lancaster Counties, but respondent shall return and spend each-and-every night with the children in the Western District of North Carolina.

It appearing that the parties are mature and concerned parents, counsel for the parties are encouraged to discuss amicable resolution of this matter in advance of the hearing.

Signed: July 23, 2013



Max O. Cogburn Jr.
United States District Judge